

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

BILLY J. DAVIS

PLAINTIFF

VS.

CIVIL NO. 07-3047

MICHAEL J. ASTRUE,  
COMMISSIONER, SOCIAL SECURITY  
ADMINISTRATION

DEFENDANT

**ORDER**

On this 19th day of December, 2008, the court has before it for consideration plaintiff's request for attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. For reasons set forth in the report and recommendation filed by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas, on November 25, 2008, the court finds that the Magistrate's recommendations should be adopted *in toto* and hereby awards plaintiff's attorney fees as follows: 18.20 hours for attorney's fees at the hourly rate of \$165.00 per hour and \$16.14 in expenses for a total attorney's fee award of \$3,019.14. This amount shall be paid in addition to, and not out of, any past-due benefits plaintiff may be awarded in the future.

IT IS SO ORDERED.

/s/Jimm Larry Hendren  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE